

Respondent's notice

Case no.

To an appeal against a decision of the first-tier tribunal
(Property Chamber) in England, or a Leasehold Valuation or
Residential Property Tribunal in Wales

Please read the attached guidance notes before completing this form

Respondent's details

Name

Address
(including
postcode)

Telephone

Fax

Email

Respondent's solicitor or other representative

Name

Address
(including
postcode)

Telephone

Fax

Email

My grounds for opposing the appeal (and, where permission to cross-
appeal has been given, for cross-appealing) are set out in my attached
statement of case

☐ Yes

☐ No

Type of procedure

I would prefer the appeal/cross appeal to be heard as:

☐ a review ☐ a review with a view to a rehearing ☐ a rehearing

And by the

☐ Standard procedure ☐ Simplified procedure
☐ Special procedure ☐ Written representations procedure

I consider this procedure the most suitable because:

I intend to call an expert witness at the hearing of the appeal ☐ Yes ☐ No ☐ Possibly

I may wish to call more than one expert witness ☐ Yes ☐ No ☐ Possibly

Declarations, signature and date

I accept responsibility for the conduct of the case and payment of fees that may be due and payable by me.

Signed _____ Print name _____

Date _____

Where to send or deliver the documents

HM Courts & Tribunals Service
The Upper Tribunal (Lands Chamber)
5th Floor
Rolls Building
7 Rolls Building
Fetter Lane
London
EC4A 1NL
DX: 166042 Strand 4
Tel: 020 7612 9710
Fax: 0870 761 7751

And directly to the appellant.

Form guidance notes

Is this the right form?

- Use this form in relation to any appeal to the Upper Tribunal (Lands Chamber) from a decision of The First-tier Tribunal (Property Chamber) in England, or the decision of a Leasehold Valuation Tribunal or a Residential Property Tribunal in Wales.
- Please detach and keep these guidance notes. Please don't return them with the form when you file it.

When must the form be lodged?

- Where the tribunal whose decision is being challenged has given the appellant permission to appeal, the completed respondent's notice form, and your statement of case must be received at our offices within one calendar month after the date we sent you a copy of the appellant's notice of appeal and statement of case. No fee is payable if the form is lodged within time.
- Where the tribunal whose decision is being challenged has refused the appellant permission to appeal, but the Upper Tribunal has granted it, the completed form, and your statement of case must be received at our offices within one calendar month after the date you receive a copy of the appellant's statement of case. No fee is payable if the form is lodged within time.
- You must also send a copy of your respondent's notice and statement of case directly to the appellant, and confirm to us that you have done so.

What if I'm late?

- If you do not lodge this form and send a copy directly to the appellant within the time period prescribed, you will no longer be a party to the appeal, and if you want to continue as a party after that date you must then apply for permission to lodge it late (i.e permission to extend the time for lodging the respondent's notice).
- To make such an application you must give your reasons for requiring additional time, say how long you need and send a copy of your application to the appellant confirming to us that you have done so. You must also tell them that if they wish to object to your application they must write to us explaining why they object within 10 days of receipt of your application. In addition you must include an interlocutory application fee of £110.

The respondent

- A respondent must have been a party to the proceedings before the tribunal whose decision is being challenged.
- A respondent who wishes to act separately from other respondents must complete and lodge a separate respondent's notice.
- Where more than one person wishes to respond as part of a group acting together, the names and addresses of all respondents in the group must be stated. Attach a list separately if necessary.
- Where there is more than one respondent please indicate which of them is the person with whom we should correspond.

The respondent's solicitor or other representative

- If this section is completed all communications from the Tribunal and other parties regarding this appeal will be sent or delivered to the appointed solicitor or representative.
- A representative who is not a solicitor must enclose an authority to act signed by the persons they represent and confirming that the representative is appointed to represent them.

Grounds for opposing the appeal or making the cross appeal

- Set out in full the grounds and points on which you rely in opposing the appeal in your statement of case, which should be attached as a separate document. It should be organised under a heading for

each ground you rely on, and answer, as far as possible, the grounds and points made in the appellant's statement of case.

- If you have been given permission to cross-appeal, you should additionally set out the points you wish to make in respect of the matters upon which you have been given permission to cross-appeal.

Your statement of case

- Please read paragraph 6 of the Practice Directions for guidance as to what the statement of case must contain.
- If you are unable to file your statement of case within the time specified you must apply for an extension of time in which to do so. You must give your reasons for requiring additional time and say how long you need. You must send a copy of your application to the appellant and confirm to the Tribunal that you have done so. You must also tell them that if they wish to object to your application they must write to the Tribunal explaining why they object within 10 days of receipt of your application. You must also pay an additional application fee of £110.

Type of procedure

Please see paragraph 3 of the Practice Directions on our website for an explanation of the different types of procedures the Tribunal uses and indicate which one is you believe is the most appropriate one for this appeal.

Review or rehearing?

An appeal may proceed in one of three ways. The Tribunal will decide which procedure is appropriate after taking your views and the views of any the appellant into account.

- In an appeal by way of review the Upper Tribunal is asked to decide whether the decision of the tribunal whose decision is being challenged was correct, based on the evidence that was put before it. No evidence is heard by the Upper Tribunal in this process.
- In an appeal by way of review with a view to rehearing, no further evidence is initially heard by the Upper Tribunal, but if it concludes that the tribunal whose decision is being challenged incorrectly applied the law or that its process contained serious procedural errors a new hearing will then take place before the Upper Tribunal.
- In an appeal by way of rehearing, there is a full rehearing of the case, or part of the case, if permission to appeal is limited, with each party calling the evidence they rely upon to establish their case. The Tribunal may allow the parties to present new evidence that was not given before the tribunal whose decision is being challenged.

Expert witnesses

The rules limit the number of expert witnesses that a party may rely on. Normally parties are limited to relying on the evidence of one expert witness each for appeals. Permission is required from the Tribunal to call more than one expert witness.

Enclosures

- Additional fees, such as hearing or determination fees, may be payable during the course of the appeal. Please see the attached guidance note on fees.
- Please enclose a copy of any document that you want to rely on (except for the decision being challenged, which we already have). Please also note that do not have access to the files of the Tribunal whose decision is being challenged.